



WEB COPY



Cont.P.No.294 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM

THE HONOURABLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Contempt Petition No.294 of 2023

Chitra

.. Petitioner

Versus

1.Govindasamy

2.Ms.Arthi,
The District Collector,
Kancheepuram District.

3.Mr.Suresh,
The Tahsildar,
Kancheepuram Taluk,
Kancheepuram District.

.. Respondents

Prayer: This contempt petition has been filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for willfully disobeying the order passed by this Court in W.M.P.No.23076 of 2016 in W.P.No.4902 of 2016, dated 17.01.2018.

For Petitioner : Mr.R.Sankarasubbu

For Respondents 2 & 3 : Mr.P.Muthukumar, State Govt. Pleader



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ORDER

(Order of the Court was delivered by The Hon'ble Acting Chief Justice)

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The petitioner has filed this contempt petition seeking to punish the respondents for willfully disobeying the order passed by this Court in W.M.P.No.23076 of 2016 in W.P.No.4902 of 2016, dated 17.01.2018, whereby, the order passed in W.P.No.4902 of 2016, dated 24.02.2016, is recalled.

2. It is seen from the material available on record that earlier the petitioner herein had filed A.No.5628 of 2014 in C.S.No.297 of 2012, whereby, learned Single Judge of this Court, vide order dated 07.10.2015, while allowing the impleading application to implead the auction purchaser, held that the applicant/petitioner herein is entitled to be in possession of the dwelling house. In this case, a Division Bench of this Court, vide order dated 17.01.2018, had only recalled the earlier order passed in W.P.No.4902 of 2016, dated 24.02.2016, and directed the Registry to restore said writ petition to the file of this Court for disposal. Therefore, in our considered view, no contempt is made out to initiate contempt proceedings against the respondents. If at all the petitioner is aggrieved against the action taken by the respondents, she has to work out her remedy by moving contempt petition before the learned Single Judge. Therefore, giving such liberty to the petitioner, we are not inclined to entertain the contempt petition and accordingly, it is dismissed. No Costs.

(T.R., ACJ.) (D.B.C.,J.)
09.03.2023

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To

1.The District Collector,
Kancheepuram District.

2.The Tahsildar,
Kancheepuram Taluk,
Kancheepuram District.



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THE HON'BLE ACTING CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.
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